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## UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

ENZO BIOCHEM, INC. and ENZO LIFE SCIENCES, INC.

No. 03-CV-3817 (RJS)

Plaintiffs,

v.

PERKINELMER, INC. and PERKINELMER LIFE SCIENCES, INC.,

Defendants.

DECLARATION OF JOHN ELLIOTT IN OPPOSITION TO PERKINELMER'S DAUBERT MOTION TO PRECLUDE THE TESTIMONY OF DR. GREGORY BELL

I, JOHN J. ELLIOTT, declare as follows:

- 1. I am an associate in the New York office of Greenberg Traurig LLP, located at 200 Park Avenue, New York, NY 10166. I submit this declaration in support of Plaintiffs Enzo Biochem, Inc. and Enzo Life Sciences, Inc.'s (collectively, "Enzo") Opposition to Defendants PerkinElmer, Inc. and PerkinElmer Life Sciences, Inc.'s ("PE") *Daubert* motion to preclude the testimony of Dr. Gregory Bell, and in opposition to PE's request for a pre-motion conference regarding its motion to strike the February 28, 2014 supplemental Expert Report of Dr. Gregory Bell. This declaration is based upon facts of which I have personal knowledge. If called upon as a witness, I could and would testify competently to these facts under oath.
- 2. Attached hereto as **Exhibit 1** is a true and correct copy of the Distributorship Agreement between Enzo and NEN Life Sciences Products, Inc., effective January 1, 1999.
- 3. Attached hereto as **Exhibit 2** is a true and correct copy of excerpts from the deposition of Howard J. Stump, taken on January 15, 2014.
- 4. Attached hereto as **Exhibit 3** is a true and correct copy of excerpts from the transcript of the deposition of Gregory K. Bell, Ph.D., taken February 28, 2014.

5.	Attached	hereto	as	Exhibit	4	is	a	true	and	correct	copy	of	Schedule	В	to	the
Expert Report	of Gregor	y K. Be	:11,	Ph.D., da	ite	d F	eb	ruary	y 27,	2014.						

I declare under the penalty of perjury that the foregoing is true and correct.

Dated: March 7, 2014	/s/ John J. Elliott					
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